



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,810	01/10/2001	Jochen Voss	Mo-6029/LeA 34,199	7359

157 7590 12/03/2001

BAYER CORPORATION  
PATENT DEPARTMENT  
100 BAYER ROAD  
PITTSBURGH, PA 15205

EXAMINER
----------

RIBAR, TRAVIS B

ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 12/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/757,810

Applicant(s)

VOSS, JOCHEN

Examiner

Travis B Ribar

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The foreign language documents submitted without an equivalent English translation by applicant are only considered to the extent of applicant's disclosure of the relevance of those foreign language documents to this application.

#### ***Specification***

1. The abstract of the disclosure is objected to because of a typographical error. A space should exist between "about" and "40%" in line 2. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: the word "weight" is omitted on page 6 line 18 between "low molecular" and "substances." For the purposes of examining this patent application, "low molecular substances" is presumed to be "low molecular weight substances."

Appropriate correction is required.

3. Claim 9 is objected to because of the following informalities: the word "of" is omitted between "copolymers" and "the aforementioned polymers" in line 9. For the purposes of examining this patent, line 9 is presumed to be "copolymers of the aforementioned polymers."

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1711

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf et al. in view of Volz and Lane et al.

Wolf et al. discloses a primer used for the metallization of a substrate. It teaches the substrates that may be used (column 5, lines 1-3), which include inorganic glasses, metals, and plastics. One primer composition claimed (Wolf et al., claim 2) involves a primer consisting of a film former of polyurethane.

Wolf et al. discloses a primer (Wolf et al., claim 1) comprising all elements shown in claims 1 and 3 of applicant's application, with the exception of a hydrophilic swelling agent to aid the transport of large molecules through the primer. The composition of the primer named in Wolf et al. is such that a swelling agent does not need to be present in the primer in order for metallization to occur. The lack of a swelling agent is noted (Wolf et al., column 4, lines 64-48) in the primer, though the use of a swelling agent is not explicitly precluded. One of ordinary skill in the art would know to add a swelling agent to the primer in order to facilitate the penetration of larger molecules through the primer. Volz shows a swelling agent used to aid the penetration of large molecules through a matrix (column 2, lines 54-58).

Lane et al. shows a catalytic metal-polymer complex, or primer, capable of facilitating the electroless metallization of a substrate and further teaches that an anticaking agent may be included in the primer's composition (column 5, lines 46-49). From the context of Lane et al., it is determined that the terms 'anticaking agent' (from

Lane et al.) and 'swelling agent' (from applicant's application) are synonymous and that a compound shown to perform an 'anticaking' function in the invention of Lane et al. will perform a 'swelling' function in the applicant's invention. Lane et al. shows a fumed silica such as CABOSIL used as an anticaking agent (column 5, lines 48-49). That anticaking agent is of the same type shown by the applicant to be a swelling agent (page 7 lines 6-10) in applicant's invention. The physical dimensions and attributes of the swelling agent, such as the hydrophilicity, diameter, shape, and surface area, are not shown to be unique to the composition of the primer, nor are they shown to be a product of applicant's invention and are therefore assumed to be inherent to the material. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to take the primer claimed in Wolf et al. and add a swelling agent to it as in Lane et al. in order to increase the penetration of large molecular weight compounds, as seen in Volz and give improved adhesion.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art relates to electroless metallization:

Reichert, et al. (U.S. Patent No. 5176743)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis B Ribar whose telephone number is (703) 305-3140. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

Application/Control Number: 09/757,810  
Art Unit: 1711

Page 5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Travis B Ribar  
Examiner  
Art Unit 1711

TBR  
November 5, 2001

